

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Business Meeting held July 11, 2006

A regular business meeting of the Lower Paxton Township Board of Supervisors was called to order at 7:05 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and David B. Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Lori Wissler and Dianne Moran, Planning and Zoning Officers; Chip Millard, Dauphin County Planning Commission; and Charles Schmehl, Urban Research and Development Corporation.

Others in Attendance

John Murray, 4135 Ridgeview Road
Harry F. Devine II, 4124 Ridgeview Road
Harriet Kopp, 2120 Colonial Road
Val Karabcievschy, 4130 Valley Road
William Oakland, 3812 Club Drive
Ray Kelly, 4232 Elmerton Avenue
Darleen and Rick Benner, 5913 Shope Place
Pete Leone, 2033 Covey Court
Gerald Yingst, 1700 Blue Mountain Parkway
Darwin Hurand, 2730 Woodrow Avenue
Molly and Jack Reinhart, 4403 Avon Drive
Jerry and Jo Ellen Yocum, 6204 Lyters Lane
Randy and Diane Hoffer, 6100 Union Deposit Road
Mike Fleisher, 6695 Blue Ridge Avenue
Mark Levine, 1507 Knollcrest Road
Margaret Kocevar, 1700 Fairmont Drive
Dorothy Burd, 5212 Ridgeview Drive
Ted Robertson, 4351 Crestview Road
Bill Bostic, 6204 Elmer Avenue
Kevin Papula, 1092 Huron Drive
Paul Ehrenfeld, 1007 Peiffers Lane
Christian D. Malesic, 4612 Oxford Road
Jethro Toumo, 314 Beaver Road
Dana and George Beyer, 1134 Loop Drive

Jeff Smothers, 6223 Blue Stone Avenue
Shirley Fleming, 7842 Skyline Drive, Delta-Remax Group
John Lenning, 7842 Skyline Drive, Delta-Remax Group
Eric Epstein, 4100 Hillsdale Road
Rob Davis, 6016 Willow Spring
Patricia M. Watkins, 4212 Jonestown Road
Sue Grubic, 3908 Elmerton Avenue
Al Rozzi, 631 Lancaster Avenue
Nancy Harris, 5926 Larue Street
Sandy Prah, 1001 Homestead Avenue
Shahla Werner, 250 N. Madison Street
Andy Weidert, 205 N. Madison Street
Dale Yingst, 1745 Parkway West
Carter Nash, 1131 Loop Drive
Bill Doyle, 5109 Earl Drive
Wendy Bailey, 6290 Jonestown Road
Cheryl Nick 424 N. Nyes Road
Richard Gundy, 6703 Allentown Boulevard
Brad Henken, 4435 Venus Avenue

Pledge of Allegiance

Mr. Blain led the recitation of the Pledge of Allegiance.

Approval of Minutes

Mr. Crissman made a motion to approve the minutes of the April 11, 2006 joint workshop meeting of the Board of Supervisors and the Planning Commission. Mr. Blain seconded the motion, and a unanimous vote followed.

Public Comment

Mr. Richard Gundy, 6703 Allentown Boulevard, explained that he was having a problem with the property located at 6701 Allentown Boulevard. He noted that he filed a complaint on June 12, 2006 and it took the Township 26 days to send a letter to the property owner. He questioned why it would take so long to send a notice to the neighbor. He noted that the Township's regulations state that the neighbor has 30 days to bring his property into compliance from the date he receives the letter. He questioned why there was not enough staff to handle all the complaints. Mr. Wolfe noted that this concerns a property maintenance issue and he was not

aware of the specifics of this complaint. He noted that he would research the problem and provide the information to the Board members. He explained that the Township has two employees, one full-time and one-part time, who are dedicated to property maintenance issues. He noted that these issues are a long and involved process. Mr. Gundy noted that the weeds are now four feet high. Mr. Hawk noted that Mr. Wolfe would look into the problem for Mr. Gundy.

Mr. Brad Henken, 4435 Venue Avenue, noted that he lives on property adjacent to the commercial property that is being developed along Linglestown and Patton Roads. He questioned if his information may be relevant to what is to be discussed regarding the new zoning ordinance. He noted that he wanted to share his experiences with the Board members in the development of the commercial property adjacent to his property as it may be helpful in the planning of commercial development when it abuts residential property. He noted that his experience has been less than satisfactory, and requested that the process be changed to be more supportive to the residents.

Chairman and Board Member's Comments

Mr. Crissman wished to express his sincere gratitude to Mr. Jeff Staub, President of Dauphin Engineering, for his contribution of \$2,000.00 to the Friendship Community Center East Annex for the flooring to be used in the senior center. He noted that Mr. Staub also provided free engineering services for the development of the East Annex as well. Mr. Hawk noted that it was a very nice gesture on Mr. Staub's part.

Mr. Seeds wished to thanks all the volunteers who assisted with the construction and donations for the Possibility Place. He noted that the Inspired Recreation Group is in need of \$12,000 to \$20,000 to complete the project, and help to finish the project.

Manager's Report

Mr. Wolfe noted that the Parks and Recreation Department Summer Concert Series continues at Brightbill Park. He noted that Flashpoint will be performing July 14th; Steven Courtney, July 21st, and Trinidad and Tobago, July 28th. He noted that the concerts are free and start at 7 P.M.

Mr. Wolfe wished to express his gratitude to the Linglestown Fire Company and citizens who contributed to the fireworks display that was held on July 3, 2006 at Koons Park. He noted that it was a well attended event.

Mr. Wolfe explained that this meeting would, typically, be a workshop meeting, but due to the Public Hearing for the new Zoning Ordinance it had been advertised as a regular business meeting. He noted that this meeting is televised due to the Public Hearing for the new Zoning Ordinance.

Old Business

Ordinance 2006-05; The Lower Paxton Township Zoning Ordinance of 2006

Mr. Hawk noted that it was important to explain the background for the adoption of the new Zoning Ordinance. Mr. Hawk noted that Mr. Charlie Schmehl from Urban Research & Development Corporation is present to explain the process and answer questions as well.

Mr. Wolfe explained that the Board of Supervisors adopted a new Comprehensive Plan in 2003. The process for this took over three years with the help and support of the residents of the Township. He explained that the Township was divided into seven community planning units with several public meetings held within each unit. He noted that a document containing a list of recommendations resulted from the process, as well as a future land use map for the year 2020. He noted that one of the recommendations was to prepare a new zoning ordinance and new zoning map to comply with the future land use map. He noted that 18 months ago, the Board of

Supervisors, in conjunction with the Planning Commission, began an intensive process to prepare a new ordinance along with the help of staff and Mr. Schmehl from the Urban Research and Development Corporation. Mr. Wolfe explained that monthly public meetings were held to complete the process. He noted that this effort has culminated in the 2006 Zoning Ordinance and Map that are advertised for the public hearing tonight. He noted that the existing zoning map dates back to 1988, and the map, as well as the current zoning ordinance text, are out of date and in need of revision. He noted that the new text has included new ideas for smart development to combat urban sprawl.

Mr. Wolfe noted that the purpose of the meeting is to hold a public hearing for the Township's new Zoning Ordinance, and Ms. Wissler, the Township's Planning and Zoning Officer, will explain the process to include the advertisement requirements. In addition, Ms. Wissler and Mr. Schmehl will provide a brief introduction for the Zoning Ordinance Text and Map.

Ms. Wissler noted that on May 24, 2006 the proposed new Zoning Ordinance and Map were delivered to the Lower Paxton Township Planning Commission, Dauphin County Planning Commission and the Dauphin County Law Library. She noted that proper notices appeared in The Patriot News regarding the public meeting that the Planning Commission held on June 21st and in The Paxton Herald regarding tonight's public hearing.

Ms. Wissler noted that the Planning Commission meeting voted unanimously to recommend approval of the Zoning Map and Text as submitted with some minor typographical corrections at the June 21, 2006 meeting. She noted that the Planning Commission further recommended that any changes be considered by the Planning Commission and the Board of Supervisors at an appropriate time following the adoption of the new Zoning Ordinance and Map, and that a comprehensive amendment be made at that time.

Mr. Schmehl noted that he prepared a summary of the proposed ordinances. Mr. Schmehl explained that zoning primarily regulates the uses of land and buildings, protects the natural features, deals with historic buildings, sign heights and sizes, and generally provides for the development and preservation of the community. He noted that for the most part, anything that is legal today would continue to be legal, and zoning is directed toward future changes. He noted that the new zoning is primarily intended to protect important natural features, livability of residential neighborhoods, provide for compatibility between different land use to bring the right types of businesses into the right locations, and to avoid future traffic problems.

Mr. Schmehl explained that the High Priority Amendment that was adopted last year dealt with protection of the Blue Mountain, the Village of Linglestown, and protection of the creek corridors. Mr. Schmehl noted that open space development replaces the prior clustering. He noted that the idea behind this is to provide for flexibility in the layout in a piece of residential land so that there is permanent preservation of the most important open spaces on the property in return for flexibility in the sizes of lots. He explained that the open space option would only be allowed if the Township would adopt an overlay district over a particular property.

Mr. Schmehl noted the new zoning districts for the Township as follows:

Conservation District (CO) in the Blue Mountain area. This does not permit building on steep slopes over 25%, and requires lot sizes to be 5 acres on moderate slopes of 15 to 25 %, and 2 acres lots on slopes of less than 15%. He noted that the OSD option would permit one acre lots with 60% open space.

Agricultural Residential (AR) includes the undeveloped land that has not been approved for development in the Township. He noted that it would require 1.5 acre lots, and the OSD option would permit ½ acre lots.

Low Density Residential District (R-1) would include most of the existing single family subdivisions which provides for a 20,000 square foot lot size for single-family lots, with the OSD option allowing for a reduction in lot size to 10,000 square feet with 40% open space.

Medium Density Residential District (R-2) would include single-family detached houses, twins and townhouses with a required 10,000 square foot lot size, with the OSD option allowing for reduction in the lot size to 5,000 square feet with 25% open space. He noted that townhouses could continue to be developed at an average of five homes per acre.

High Density Residential District (R-3) is the highest density district that includes the highest density housing in the Township, such as apartment complexes. He noted that the maximum density of 8 dwellings per acre would apply.

Residential Cluster (R-C) is used to grandfather in those projects that have been previously approved as cluster projects.

Age-Restricted Housing would permit a 15% density bonus of housing units in the development with the restriction that at least one person must be age 55 and older, with no residents under age 18.

Residential Retirement (R-R) would also carry over provisions from the current ordinance for projects that are already approved. He noted that this mainly applies to the Institutional district which would be applied to the existing denser retirement communities that are existing or under construction, which would allow 12 homes per acre.

Office Neighborhood (ON) replaces the current Transitional, Research Office and Neighborhood Professional districts. He noted that this is used for offices and light businesses, and applies to small lots that are between commercial and residential areas.

Village (V) district was updated last year and included the area of Linglestown. He noted that it is geared to preserving the character to permit compatible development in the Village.

Commercial General (CG) is currently the C-1 areas located in a highway orientated area that provides for the heavier commercial uses to include most of Rt. 22.

Neighborhood Commercial (CN) is restricted to the lighter, less intense types of commercial uses; small areas that are closer to neighborhoods.

Light Industrial (LI) would provide for the lighter type of industries.

General Industrial (GI) would provide for the heaviest type of industries, which would become the catch-all to provide for trash transfer stations, asphalt plants, and the heavier uses. It was noted by state law that the Township must provide for all uses within the Township.

Business Campus (BC) would provide for offices and research uses and is limited to 15% light commercial uses, such as restaurants or retail usage.

Institutional (IN) would include hospitals, schools, retirement communities, and provides for a mix of medical uses, medical offices and age restricted developments, with the maximum height of 70 feet, in a location not adjacent to a home.

Ms. Wissler noted that for the new Zoning Map the Conservation district is found in the Blue Mountain area. The Agricultural-Residential district is found in the north and eastern areas of the Township shown in the darker green color. The R-1 district is basically single-family detached dwellings and it is shown in the light yellow. The R-2 district is shown in light brown, and the R-3 district, which includes apartment complexes, is shown in light green.

Ms. Wissler noted that the Village district is the area of the Linglestown Square. She noted that the Office Neighborhood district is shown in pink which is located west of Linglestown and the area near the municipal center. The Commercial Neighborhood district is located at Colonial and Linglestown Roads, Mountain Road area, and Locust Lane in the area of the bowling alley. She noted that the General Commercial district is the areas found in red. She noted that the Light Industrial areas are located north and south of Rt. 22 to the east, and the General Industrial is located west of I-83 and south of Union Deposit Road. Ms. Wissler explained that the Business Campus is a new district, and this is located on both sides of I-81, off of Blue Ribbon Avenue, east of I-83, south of Union Deposit, East of Rutherford Road and north of Union Deposit Road. In addition, a large part of the BC is located along Linglestown Road. and east of Crums Mill Road adjacent to Susquehanna Township. Ms. Wissler noted that the Institutional District includes the Township parks, hospital, cemeteries, schools, and residential retirement developments such as Meadowview Village on Union Deposit Road. Ms. Wissler noted that the residential clusters districts are located in Blue Meadow Farms, Autumn Ridge, Amber Fields, Hearthside, and Spring Creek. She noted that the new district, which is called a Traditional Neighborhood District, is shown in the dark brown color.

Mr. Wolfe questioned if it was appropriate to have Dauphin County Planning Commission provided their comments during the public hearing or outside the hearing. Mr. Stine suggested that they should make their comments prior to the start of the public hearing. Mr.

Wolfe noted that as part of the process, a review by the Dauphin County Planning Commission was required, and Mr. Chip Millard is present to provide those comments. He noted that Mr. Millard participated in many of the joint meetings and he thanked him for his input.

Mr. Chip Millard noted that he would highlight the most significant comments from the review provided by the Dauphin Count Planning Commission.

Mr. Millard noted that comment three notes the significant amount of R-1 proposed for the new Zoning Ordinance. He noted that the County recommends changing some of this land to AR and RR. He noted that the projected growth for the year 2015 is 2,300 units, and he questioned if the large amount of R-1 is necessary. He noted that the AR could allow for open space development which would allow units with smaller lots. He noted that there is an aging population who are looking to live in smaller lot size units.

Mr. Millard noted that comment 32 deals with manufactured mobile home parks, shown as a conditional use in the Commercial General, and it is County's recommendation that it should not be considered as a conditional use in that district.

Mr. Millard noted that comment 34 deals with the limitation of retail stores and shopping centers to 50,000 square feet in all permitted districts. He noted that the County is in support of restricting big box development and the reuse of existing big box buildings, however, it may be a little too restrictive and suggested a 50,000 maximum footprint, but to allow a greater amount of square footage by building upwards. He noted that this would reduce the amount of impact of impervious coverage while still allowing some larger centers. He noted that the Township's height restrictions would still apply.

Mr. Millard noted that comment 36 deals with parking for non-tractor trailers. He noted that the County is concerned for the impact that this permitted use would have in the Village district. He suggested that it should be broken down into parking garages and surface parking.

He noted that there is a concern that a very large surface parking area in a mixed use such as the Village district could be allowed although this area is very community and pedestrian oriented.

Mr. Millard noted that comment 38 deals with the open space overlay, and comment 40 deals with the TND overlay, and the County recommends the Township to encourage these types of developments and to make it easier for both to occur. He noted that the ordinance is written that a special zoning change is required to permit these two types, and he suggested that it should be easier to do this. He suggested that it would be good to identify locations for an appropriate TND.

Mr. Millard noted that comment 47 deals with floodplains, and hazardous materials minimum quality regulation for maintenance and supply. He noted that the County recommends that these potentially hazardous materials not be allowed in the floodplain district for maintenance and supply purposes.

Mr. Millard noted that comment 48 deals with parking for schools primary and secondary uses. He noted that the parking allowed may not be enough in certain cases since schools are used for other community uses. He noted that events occur during school hours when extra parking is needed, and the current regulations may not be sufficient.

Mr. Millard noted that comment 54 deals with buffers between residential uses and non-residential uses. He noted that the County recommends that specific provisions be revised for the Village and TND, especially in terms of the size of the width of the buffers, since both districts promote mixed uses, and walkability to be more compact in design. He suggested that it may be appropriate to have a smaller width of buffering for these two districts.

Mr. Millard recommends that the 2006 new Zoning Ordinance be adopted, and that the mentioned suggestions be changed after the adoption. He noted that none of the items would

create a real problem. He suggested that the Township should make the appropriate minor and moderate changes within six months.

Mr. Millard noted that Mr. Schmehl, Township staff and the elected officials did a solid job in drafting the new ordinance, and it should provide for a significant improvement over the existing ordinance.

Mr. Hawk noted that the Dauphin County Planning Commission recommend the approval of the ordinance with attention to the minor details pointed out in Mr. Millard's comments in a timely fashion. Mr. Millard noted that all the major items were addressed during the ordinance update. Mr. Crissman expressed his gratitude to Mr. Millard for the County's stringent review. Mr. Hawk thanked Mr. Millard for his participation in the entire process.

Mr. Hawk requested Mr. Stine to conduct the public hearing.

Mr. Stine noted that this was the set date and time for the public hearing on Ordinance 2006-05; the Lower Paxton Township Zoning Ordinance of 2006. Mr. Stine questioned if anyone in the audience wished to make any comments.

Mr. Charles Zwally, Mette Evans and Woodside, noted that he was present to represent Mr. Boyd and Mr. Mahoney who are property owners in the Township. He also wished to add his accommodations to the Board members and staff for the long and difficult task to review and amend the zoning ordinance.

Mr. Zwally noted that he had presented a letter dated June 21, 2006 which lists the comments regarding the proposed ordinance, and he requested that the letter be made a part of the record. Mr. Stine noted that it would be.

Mr. Zwally noted the first concern was for the Oakhurst property that is located in the northwest quadrant of the Township that is currently zoned R-2. He noted that the proposal is to change the property to IN and AR. He noted that currently, the land is part of the Sportsmen's

Golf Course, a property located in both Susquehanna and Lower Paxton Townships. He noted that his clients are proposing a comprehensive development for the area to include both townships in which the centerpiece will be retirement for adult housing. He noted that the IN allows for residential retirement as a use and it would be consistent with the proposal. He noted that he is faced with three zones lines with a zone line between CO and AR; AR and IN; and the zone line between all those tracts and Susquehanna Township. He noted that, with the exception of the R-R, none of the tracts are consistent with the zoning in Susquehanna Township. He explained that the proposal is to allow age-restricted adult development in the midst of single-family development, and that this would be overly restricted by the divisive zoning proposed for the parcel. He noted that the line between AR and IN is an arbitrary line following the Continental Road extension. He noted that Continental Drive is based upon contours that would not follow that straight zoning line, but would dip down, and then as it enters into Susquehanna Township, it would loop north. He noted that it would be very difficult to follow an arbitrary zone line that would not follow the roadway. He suggested zoning the area IN with it arbitrary uses would not be appropriate for that area of the Township. He stated that he wished to retain the current zoning which is R-2 and allow the R-R to be used as a overlay or permitted use in the R-2 district He noted that this change would allow the two Township's zoning to be compatible.

Mr. Zwally noted that the other concern is the change for the land adjacent to the Susquehanna Market Place that is clearly stated in the letter and two additional text change proposals which did not make it to the final draft.

Mr. Eric Epstein, Chairperson for the Stray Winds Area Neighbors (SWAN) noted that his organization has attended all the previous meetings. He wanted to commend the Township, Mr. Lighty, and the Planning Commission for their inclusive process to involve the residents and developers. He noted the most important issue was in regards to the overlay in terms of open

space. He noted that the reduction to permit only a 10% bonus density and to allow the Township some discretion in this is a good change. He noted that he disagrees strongly with Dauphin County comment 38, not to permit restrictive control over it. He suggested that it would provide the Township flexibility with development. He noted that he agreed with the County's comments regarding floodplains, but noted that the County is working without a solid floodplain document. He noted that the current information is based on imprecise and fluid information.

Mr. Epstein noted that he supports the ordinance and that SWAN has been given the time and attention that the plan deserves. He noted that he disagrees with Mr. Zwally, and he does not care what is allowed in Susquehanna Township, and is more concerned about what is being developed in Lower Paxton Township. He noted that he would recommend that the Board adopt the ordinance as it is presented.

Ms. Shahla Werner, 250 N. Madison Street, noted that she supports the ordinance for more open space and natural resource preservation. She explained that she likes Lower Paxton Township for its conveniences, but more open space would increase the value of the Township as well. She noted that she would not like to see the Township overdeveloped, and that any efforts that could be made to make the Township more walkable would be greatly appreciated.

Mr. Mark Levine, 1507 Knollcrest Road, noted that he attended the recent Special Planning Commission meeting, and noted that Mr. Millard's third comment was regarding too much land zoned as R-1. Mr. Levine noted that its minimal lot size of ½ acre with open space option to lower the requirement to ¼ acre is the requirements for the R-1 and he requested that another district be added that falls in between the AR and R-1 districts. He proposed that for tracts of land over 30 acres there be a district that would require 4 homes for three acres, with ¾ acre lots per home. He noted that the only options are a two acre tract in CO and ½ acre tracts in R-1. He noted that the CO district allows for a two acre lot minimum size with slopes of less

than 15%. He requested that something be added for tracts that are over 30 acres with a $\frac{3}{4}$ acre minimum lot. He noted that there are communities that do have $\frac{3}{4}$ acre lots, and by having this option, it would soften the impact from merging from one neighborhood to another. He noted that land would be set aside for trees and shrubbery to act as a buffer.

Mr. Brad Henken, 4435 Venue Avenue, distributed pictures of the commercial construction that is abutting his property. He noted that he owns a residential property that is adjacent to a commercial property that is being developed under the current ordinance. He noted on a recent Saturday morning, at 7:30 a.m., the developer was working in the area of his backyard, 20 feet away from his children's swing set. He noted that five years ago he cleared a berm that was adjacent to his property, and it was snake infested and full of weeds, and was a hazard to the neighbors. He stated that the new neighbors have replaced it with a large dirt mound and berm that holds standing water. He noted that he has been disappointed by what has been developed in his backyard. He noted that they have followed the current ordinances and suggested that they are less than adequate for commercial and residential abutments. He noted that the developer has been willing to allow him to vent his concerns, although nothing has been done.

Mr. Henken requested that he hopes that he can share his example of what has happened to him to prevent it from happening again. He noted that there is an overabundance of banks along Linglestown Road, and that is what is being built on this property. He noted that the Pinnacle Health Facility is one of three on Linglestown Road. He noted that none of the three proposed businesses are necessary for the area. He suggested that the Board of Supervisors should reassess the planning for the community, especially the commercial and residential properties. He noted that changes should be made to the approval process to involve the residents from the beginning of the process. He suggested that a 20-foot landscape buffer is not enough for

a residential abutment. He noted that this buffer does not enhance his property values, and that the happiness of the residents should be taken into consideration as well. He noted that it is a work in progress and has not been landscaped, but he does not believe that it will be a pleasing result. He noted that the parcel adjacent to him should be developed in the future and he would be very happy to be involved in the process. He suggested that residents should be involved in the planning of commercial development that abuts residential homes.

Mr. Darwin Hurand, 2730 Woodrow, stated that he authored a four-page letter a year ago to Chairman Hawk. He noted that he lives in Centennial Acres along the Blue Mountain and he complained about improper development practices in Forest Hills. He noted that he is encouraged to see that the Township is moving in the right direction, and taking measures to protect the open space for the future. He noted that Mr. Wolfe did respond to his letter. He questioned if it would be necessary in a traditional development to pour sidewalks to the top of the developments, such as Forest Hills and other areas of higher elevations. He suggested that it is a waste of materials and called for an opportunity to save the trees, retain the character for the area, and create space for the landowner. He suggested that these practices could be included in the new Zoning Ordinance.

Mr. Hurand noted that the development owned by Mr. McNaughton was formerly a golf course that abuts Forest Hills and he questioned if the zoning proposal would pertain to that development. He suggested that numerous homes are to be created in that mountainous setting, and he questioned if it would be possible to work with the developer to create a trail to the top of the conservancy at Blue Mountain. He noted that it would be good to provide trails to this location. He noted that the phases have not been submitted to the Township as of this date, but he was requesting the Township to seek more of a leadership roll before it is brought to the

Township for its review. He noted that he wanted to applaud the Township for including the average citizen, and not just the engineers and lawyers.

Ms. Diane Hoffer, 6100 Union Deposit Road, noted that she has some questions regarding the proposed area for the TND. She questioned how this would affect her property. She noted she is attempting to restore a historic home in the area and questioned how this would affect the historic farm. Mr. Schmehl answered that it is an overlay use, which means the conventional zoning applies. She noted that the underlying zoning district would be R-1, which means that she would be under the same provisions that she is now for her home.

Ms. Hoffer questioned if the largest proposal for this area is 80 acres. Mr. Schmehl noted that it could be 80 acres with an addition of 20 acres added to a previous TND.

Ms. Hoffer questioned how the area would be developed around the existing R-1 tracts of land. Mr. Schmehl noted that there are provisions in the Ordinance that deal with consistency between adjacent single-family homes and new development. He noted that single-family homes or open space must abut an existing single-family home. He noted that the townhouses would be built in the middle next to the new single-family homes. Ms. Hoffer questioned if the buffer would be single family homes on one acre lots or open space. Mr. Schmehl answered that it would not be large lot single-family homes. Ms. Hoffer noted that most of the adjoining lots are one or two acre lots. Mr. Schmehl noted that the Township would be very involved in the site layout, so those things would be addressed through the process.

Mr. Schmehl noted that the standard for a TND is found on page 3-47.7, which states that any new dwelling units within 150 feet from a single-family detached dwelling outside of the development shall be a new single-family home. If the single-family home on the adjacent lot is over ½ acre then the new lot within 150 feet must be at least 8,000 square feet of lot area. He

noted that the Township may require a 20-foot planting area. He noted that he could not guarantee the same lot size as the single-family, but there are considerations for consistency.

Ms. Hoffer questioned if there would be a possibility of eminent domain. Mr. Schmehl answered that the legislature has recently adopted two new laws that greatly restrict the use of eminent domain for private development. He noted that the President of the United States has also signed an executive order against this. He noted that there are more restrictive rules against private development.

Mr. Gerald Yingst, 1700 Blue Mountain Parkway, noted that he delivered a letter to the Board members today, and he requested that it be included as part of the record. Mr. Stine noted that the letter will be made part of the record. Mr. Yingst noted that his family is objecting to the rezoning of his property from R-1 to AR.

Mr. Eric Epstein, noted that he wanted to clarify that he is not anti-Susquehanna Township, but he did not think that the Township should be driven by other Township's actions. He noted that collaboration is something he supports, but he does not want to follow suite by default.

Mr. Epstein noted that no matter what the Township does, it will increase traffic. He suggested that it would be good to have a summit with adjoining Townships to help resolve this issue. He noted that the Township could become a pass-through Township, and it is well known that Colonial Road already has two failing intersections.

Mr. Epstein noted that water infrastructure improvements will be needed and, at this time, there is a limited number of building permits that can be issued. Mr. Schmehl noted that there is a traffic study underway for the Jonestown Road/Rt.22/Walnut Street Corridor in cooperation with Lower Paxton Township, Susquehanna Township, Penbrook Borough and the City of Harrisburg, and public meetings are held for anyone who is interested to attend.

Mr. Walter Shatto, 6700 Linglestown Road, questioned the corridor along Linglestown Road from Wenrich Street to Piketown Road. He noted that the existing zoning was C-1 for the south side of Route 39. He noted that there are roughly six businesses along the corridor at this time, and he noted that the current commercial zoning has been changed. He questioned what affect that would have for current businesses and any future expansions. Mr. Stine noted that the existing businesses would be covered by the non-conforming provisions of the current ordinance and would be allowed to remain. He also noted that commercial businesses under the doctrine of reasonable expansion would be afforded the ability to undergo some expansion. Mr. Schmehl noted that they would be allowed a 50% lifetime expansion. He noted that a business would be permitted to continue operations, expand up to 50% and change to a different use as long as the new use is not more intense than the existing use. He noted that the 50% would cover building floor area and 50% of impervious coverage for buildings and paving together.

Mr. Stine noted that since there were no further comments, it was in order to close the public hearing on Ordinance 2006-05, and the Board may take action if it so desires.

Mr. Crissman wanted to thank the comments from the community and noted that they would be taken under advisement for future discussions. Mr. Crissman noted that like any document, it is not perfect, and it is a livable working document with the availability to improve as the Board moves forward in the process. He noted that the founding fathers put together a document years ago that we are still improving upon today.

Mr. Crissman made a motion to approve Ordinance 2006-05; The Lower Paxton Township Zoning Ordinance of 2006 as presented. Mr. Blain seconded the motion.

Mr. Hawk noted that the Board has tried to encourage citizens to meet with the developers as a project is unfolding to provide significant input into the project. He noted that

the Board is always open to listen to public comments, and the public is encouraged to attend the workshop sessions.

Mr. Hornung noted that the Board will continue to preserve the historical areas and try to buffer commercial zoning to residential zoning, and mounding, along with tree plantings is one way to buffer the two uses. He noted that in the past, fences were used that became an eyesore. He suggested that once the dirt mound is landscaped it would not look as bad, and hopefully return some of the aesthetics for Mr. Henken's backyard. He noted that it is difficult to abut residential with commercial, and in the past the Township created a transitional zone to do this. He noted that this has been somewhat successful and the result is the new zoning district of Business Campus. He noted that the Township is attempting to make the aesthetics better.

Mr. Hornung noted that the Township is attempting to develop walkways, to include some on his land, and the Township will continue to try to promote pathways for footpath traffic to minimize traffic problems. He noted that the residents have asked for less traffic, and although the Township cannot stop development, it can try to reduce the impact on traffic. He noted that the Township likes to keep controls, allowing for the possibility of a variance request. He noted that the Board attempts to review each plan on its own merits, and it is very difficult for a Township the size of Lower Paxton to adopt an ordinance that would cover all the situations. He noted that it is better to make the ordinances more restrictive and then to grant waivers when necessary. He noted that this also allows for negotiations with the developer to get off-site and on-site benefits. He noted that the Stray Winds Farm Plan is an example where the residents worked with the developer to create an agreeable plan, with the developer improving the McIntosh and Colonial Roads intersection which is a dangerous intersection. He noted that the Board does listen to the citizens' concerns and invites the residents to continue to attend meetings and supply the Board members with input.

Mr. Hawk call for a roll call vote on the motion: Mr. Blain, aye, Mr. Crissman, aye; Mr. Hornung, aye; Mr. Seeds, aye; and Mr. Hawk, aye.

Mr. Brad Henken noted that he respects Mr. Hornung's comments, and regarding Mr. Hawk's comments regarding becoming involved in the process from the beginning, he questioned if he should have attended every meeting in anticipation of the development of the commercial property. He suggested that the onerous should be on the developer to notify the neighbors. He suggested that people cannot be expected to attend meetings to determine if their adjacent property is to be developed, and noted that it should be added, as a requirement, that the developer must notify the residents if a development is in the planning stages. Mr. Hawk noted that he always encourages the developer to meet with the residents. Mr. Henken suggested that this should be made a requirement rather than just a suggestion. Mr. Henken questioned if the development would be aesthetically pleasing. He suggested that it would be hard to sell his property for a reasonable value in the future. Mr. Hornung noted that the landscaping would be better than an old dilapidated fence. Mr. Henken noted that it is not better than the trees and woodlands that were there before the developer cleared the land. He noted that he requested the developer to move the trash facilities that would abut his land, and he was told that he could not do that.

Mr. Schmehl noted that some municipalities have a notification system for major subdivisions and land developments. He noted that it would be part of the SALDO where the applicant is required to notify, in writing, all of the adjacent property owners of the first meeting where the plan would be considered. He noted that there was a court challenge that upheld the notifications.

Mr. Hawk thanked Mr. Millard for his hard work in the process over the past 18 months.

Ms. Diane Hoffer noted that as the TND is proposed to be developed, the neighbors from the area should be involved in the process. She noted that the results would be a happier community, and she hoped that the Board members would take her words seriously and be men of their words

IMPROVEMENT GUARANTEES

Mr. Hawk noted that there are five Improvement Guarantees.

Calvary United Methodist Church

A change in an escrow account with Lower Paxton Township in the amount of \$7,788.00 with an expiration date of June 16, 2007.

Quail Hollow, Phase III

An increase and extension in an escrow account with Commerce Bank in the amount of \$75,297.33 with an expiration date of August 15, 2007.

Jeffrey S. Coleman, One-Story Office Building

A new letter of credit with Fulton Bank in the amount of \$16,350.00 with an expiration date of June 21, 2007.

Sierra's Glen – 5407 Locust Lane

A release in a letter of credit with Mid Penn Bank in the amount of \$ 2,255.00.

110 Sunset Avenue

An extension and increase in an escrow account with Lower Paxton Township in the amount of \$6,069.36 with an expiration date of August 16, 2007.

Mr. Crissman moved to approve the five listed Improvement Guarantee as presented.

Mr. Blain seconded the motion, and a unanimous voice followed.

Adjournment

There being no further business, Mr. Crissman made a motion to adjourn the meeting. Mr. Blain seconded the motion, and a unanimous vote followed. The meeting adjourned at 8:32 p.m.

Respectfully submitted,

Maureen Heberle

Approved by:

Gary A. Crissman
Township Secretary